IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WA.No. 2149 of 2006()

AGAINST THE JUDGEMENTIN OP.27811/1999 Dated 11/09/2006
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APPELLANT: PETITIONER IN OP:

M.K. MOHAMMED,
MANIPPATTIL HOUSE, OMANOOR P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.N.SUGATHAN

RESPONDENTS: RESPONDENTS IN OP:
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1. THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF FINANCE, BANKING DIVISION, NEW DELHI.

2. THE SOUTH MALABAR GRAMIN BANK,
REPRESENTED BY ITS CHAIRMAN, HEAD OFFICE,
MALAPPURAM.

BY ADV. SRI.T.R.RAVI FOR R2
SRI.V.B.PREMACHANDRAN, CGC
SRI. JOHN VARGHESE, ASST. S.G. FOR R1

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.Raman & Antony Dominic, JJ.
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W.A.No.2149 of 2006
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Dated this the 7th day of March, 2007.

JUDGMENT

Raman,J.

Appellant – petitioner in O.P. No.27811 of 1999, is a retired employee of the second respondent – Bank. He challenged Ext.P3 order passed by the Bank informing him that the Bank is not having any pension scheme under the Bank (Employees) Pension Regulations, 1993. As such, he cannot claim any pension. However, the case of the petitioner was that as per award dated 30.4.1990 by the National Industrial Tribunal, the employees of the Regional Rural Banks are entitled to claim parity with the officers and other employees of the sponsor Banks in the matter of pay scales, allowances and other benefits. According to him, the words "other benefits" referred to in the award takes in pension also. He also placed reliance on the decision reported in **South Malabar Gramin Bank** v. **Co-ordination Committee of South Malabar Gramin bank Employees' Union and South Malabar Gramin Bank Officers' Federation and others** – (2001) 4 S.C.C. 101. The learned single Judge, who considered the

matter, found that in the absence of any pension scheme in the second respondent – Bank, this Court cannot interfere with a petition under Article 226 of the Constitution of India and to direct payment of such pension. It was submitted on behalf of the second respondent that even though it can be considered by the Central Government, there was no such decision taken by the Central Government. In such circumstances the learned single Judge found that as the Central Government has not issued common orders under Section 17 of the Regional Rural Banks Act, 1976, the second respondent - Bank is not bound to implement the pension scheme available in the sponsor Bank. It is submitted by the counsel appearing for the respondent – Bank that there is a pension scheme under the Bank (Employees) Pension Regulations 1993 as per which, the petitioner is also paid pension. But the petitioner cannot claim pension based on any scheme of the sponsor Bank. In the above circumstances, the view taken by the learned single Judge cannot be faulted. However, learned counsel appearing for the appellant submitted that he is already made Ext.P2 representation before the Central Government. We make it clear that the dismissal of the Writ Petition will not stand in the way of pursuing the remedies before the Central Government. The Central Government shall consider such representation already received and

dispose of the same in accordance with law, as expeditiously as possible, at any rate, within six months from the date of receipt of a copy of this judgment. A copy of this order shall be served on the first respondent for information.

Writ Appeal is dismissed.

P.R.Raman,
Judge.

Antony Dominic,
Judge.

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